

★ NOV 12 2009
P.M. *(S)*
TIME A.M.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
IAN SPRINGER,

Plaintiff,
-against-

DEPARTMENT OF TREASURY, INTERNAL
REVENUE SERVICE CREDITOR AGENCY,

Defendant.

-----X
BLOOM, United States Magistrate Judge:

The Court's June 1, 2009 Order set the following briefing schedule for defendant's motion to dismiss: defendant was to serve plaintiff by June 22, 2009; plaintiff's opposition was due by August 3, 2009 and the defendant's reply was due on August 14, 2009. See docket entry 8. Plaintiff has not opposed defendant's motion. Plaintiff's June 22, 2009 letter expresses confusion as to why the United States, not the Department of the Treasury ("Dep't.") or the Internal Revenue Service ("IRS"), would move to dismiss the complaint. See docket entry 10. Although, plaintiff names the Dep't., IRS as the defendant in his complaint, the Dep't. and the IRS are part of the Executive Branch of the United States government. That is the reason the United States Department of Justice has responded to plaintiff's complaint and moves on behalf of the United States to dismiss the complaint.

The Court will afford plaintiff one last chance to oppose defendant's motion and resets the briefing schedule as follows: plaintiff shall serve his opposition to the motion on defendant's counsel by December 10, 2009; defendant shall serve any reply and file the fully briefed motion electronically by December 29, 2009. Should plaintiff fail to oppose the motion, defendant shall

CHM

file its motion and the Court will consider it as unopposed. Plaintiff may contact the Pro Se Office at (718) 613-2665 for instructions regarding how to oppose a motion.

SO ORDERED.

^ ^
LOIS BLOOM
United States Magistrate Judge

Dated: November 10, 2009
Brooklyn, New York